

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. 03-CV-12497

PREMIER CAPITAL, LLC)
 Plaintiff,)
)
 v.)
)
BEVERLY JOHNSON PENZELL,)
d/b/a Law Office of Kris E. Penzell)
and BEVERLY JOHNSON)
PENZELL, as Personal)
Representative of the Estate of)
Kris E. Penzell)
 Defendants.)

DEFENDANT BEVERLY JOHNSON PENZELL'S
MOTION TO COMPEL AND REQUEST FOR HEARING

The Defendant, Beverly Johnson Penzell ("Ms. Penzell") moves, pursuant to Fed.R.Civ.P. 26 and 37(a), for an order compelling Premier Capital, LLC ("Premier") to disclose information related to Premier's purchase of a pool of 84 judgments from the Bank of America in November 2001. The value of the items Premier alleges were converted is directly relevant to Premier's claim and Ms. Penzell's defense in this case. Counsel for Ms. Penzell has, in good faith, conferred with counsel for Premier and repeatedly requested that Premier disclose the amount it paid for the judgments. Premier has refused to produce the same.

For the reasons set forth in the accompanying memorandum, Ms. Penzell respectfully requests that this Court enter an order compelling Premier to disclose all information in its possession, custody or control relating to its purchase of a pool of 84 judgments from Bank of America in November 2001.

REQUEST FOR HEARING

Ms. Penzell believes the Court could benefit from oral argument from the parties on the Motion to Compel and, accordingly, respectfully requests a hearing for this purpose.

Respectfully submitted,

BEVERLY JOHNSON PENZELL,
By her attorneys,

/s/ Joseph W. Corrigan
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